

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KLX INC., Plaintiff, -against- DAVID NISSEN and JOAN NISSEN, Defendants.	ECF Case Civil Action No.: 15-cv-2782(LAP)(JCM) DECLARATION OF <u>SCOTT M. KESSLER</u>
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I, Scott M. Kessler, hereby declare the following under the penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am a member of the bar of this Court and a partner at Akerman LLP, attorneys for Plaintiff KLX Inc. (“Plaintiff” or “KLX”) in the above captioned action. I submit this declaration in support of Plaintiff’s Reply In Further Support of Plaintiff’s Motion for a Temporary Restraining Order and Preliminary Injunction. This declaration is made from facts within my personal knowledge and I believe that all statements made herein are true, correct and complete.

2. Attached hereto as Composite Exhibit “A” is a true and correct copy of Defendant David Nissen’s Objections and Responses to Plaintiff’s First Request for Admissions, dated May 22, 2015, and a true and correct copy of Defendant Joan Nissen’s Objections and Responses to Plaintiff’s First Request for Admissions, dated May 22, 2015.

3. Attached hereto as Exhibit “B” is a true and correct copy of the transcript from the hearing held in connection with KLX’s application for a temporary restraining order before the Honorable Kenneth M. Karas, U.S.D.J., on April 10, 2015.

4. Attached hereto as Exhibit "C" is a true and correct copy of Plaintiff's Proposed Preliminary Injunction.

I declare under the penalty of perjury and subject to the provisions of 17 U.S.C. § 1746 that the foregoing is true and correct.

Dated: September 18, 2015



Scott M. Kessler